



COMMISSION ON STATE EMERGENCY COMMUNICATIONS

TO PROTECT AND ENHANCE PUBLIC SAFETY AND HEALTH

333 Guadalupe Street * Suite 2-212 * Austin * Texas 78701-3942

March 23, 2010

(Via Electronic Filing Only)

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Washington, D.C. 20554.

Attn: Public Safety and Homeland Security Bureau

Re: OMB Control Number 3060-1122; State Of Texas' 2009 Response to Information Collection
Mandated By the New and Emerging Technologies Improvement Act Of 2008

On behalf of the State of Texas, the Texas Commission on State Emergency Communications ("CSEC")¹ through its undersigned General Counsel respectfully submits this response to the Federal Communications Commission's ("FCC") February 5, 2010, Public Notice.

9-1-1 service in Texas is administered by three types of independent entities. CSEC oversees the state 9-1-1 program implemented by Texas' 24 Regional Planning Commissions ("RPCs"), which provide 9-1-1 service to approximately two-thirds of the geographic area of Texas and one-third of its population. The rest of the state's 9-1-1 service is provided by 51 Emergency Communication Districts ("ECDs"), each serving a specific geographic area. There are two types of ECDs: The first type is comprised of public agencies or groups of public agencies acting jointly "that provided 9-1-1 service before September 1, 1987, or that had voted or contracted before that date to provide that service."² These 27 ECDs are referred to as Municipal ECDs because they were created at the municipal level, with the exception of the Dallas County Sheriff's Office.³ Municipal ECDs are primarily located in the Dallas area. The second type consists of 24 ECDs created at the county level and governed by Texas Health and

¹ CSEC is a state agency created pursuant to Texas Health and Safety Code Ann. Chapter 771, and is the state authority on emergency communications.

² Tex. Health & Safety Code Ann. § 771.001(3)(A).

³ The Dallas County Sheriff's provides 9-1-1 service to the unincorporated portions of Dallas County.

Safety Code Chapter 772.⁴ These 772 ECDs provide 9-1-1 service to approximately 53% of the state's population, including in Harris (Houston), Bexar (San Antonio), and Tarrant (Ft. Worth) counties. The State of Texas' response is provided on behalf of all three types of 9-1-1 administrative entities.⁵

FCC REQUEST: A statement as to whether or not the state or other entity as defined by Section 6(f)(1) of the NET 911 Act has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

RESPONSE: Texas has three statutory 9-1-1 funding mechanisms: Wireline 9-1-1 fee, Wireless 9-1-1 fee, and a 9-1-1 Equalization Surcharge. Wireline 9-1-1 fees are authorized by Texas Health and Safety Code Ann. §§ 771.071, 772.114, 772.214, 772.314, 772.403 and via municipal ordinances.⁶ By statute, wireline 9-1-1 fees may only be imposed on a "local exchange access line" as that term is defined by CSEC rule.⁷ CSEC's definition includes voice service provided via interconnected Voice over Internet Protocol. The wireless 9-1-1 fee is a statewide fee authorized by Texas Health and Safety Code § 771.0711. The 9-1-1 equalization surcharge is also a statewide fee and is authorized by Texas Health and Safety Code § 771.072.

FCC REQUEST: The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009.

RESPONSE:

- The statewide wireless 9-1-1 fee is imposed on each "wireless telecommunications connection"⁸ and collected in an amount equal to \$.50 per month.⁹
- The statewide equalization surcharge is assessed at the rate of 1% of the charges for intrastate long-distance.¹⁰
- The wireline 9-1-1 fee for the state 9-1-1 program is imposed on each local exchange

⁴ Tex. Health & Safety Code Ann. § 771.001(3)(B).

⁵ Responses to the FCC's Public Notice from the Municipal ECDs were provided by each ECD. Responses from the 772 ECDs were collected and provided by the Texas 9-1-1 Alliance. The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of all 772 ECDs.

⁶ For municipal ordinances *see e.g.*, Addison Code of Ordinance Sec. 82-242; Wylie City Ordinance 98-20; Town of Highland Park Ordinance No. 1355.

⁷ Tex. Health & Safety Code Ann. § 771.063(d); 1 Tex. Admin Code Part § 255.4 (Comm'n on State Emergency Communications).

⁸ *Id.* at § 771.001(13).

⁹ § 771.0711(b).

¹⁰ § 771.072(b).

access line at a rate set by CSEC not to exceed \$.50 per month.¹¹ The current fee is \$.50 per month.

- Wireline 9-1-1 fees of the 51 ECDs are set by each ECD for its program service area. Current residential wireline fees vary in amount from \$0.20 to \$1.60 per month, per local exchange access line. Business wireline fees vary from \$0.32 to \$2.93 per access line, up to a 100 line maximum in most ECD program service areas.

For the 2009 calendar year, reported collections are as follows:

	Wireline 9-1-1 Fees	Wireless 9-1-1 Fees	9-1-1 Equalization Surcharge	Grand Totals
State of Texas ¹²		\$104,766,708.00	\$20,274,716.71	\$125,041,424.71
State 9-1-1 Program	\$18,677,388.89			\$18,677,388.89
Chapter 772 ECDs ¹³	\$35,112,313.49			\$35,112,313.49
Municipal ECDs	\$24,716,232.88			\$24,716,232.88
TOTALS	\$78,505,935.26	\$104,766,708.00	\$20,274,716.71	\$203,547,359.97

FCC REQUEST: A statement describing how the funds collected are made available to localities, and whether the state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

RESPONSE: 9-1-1 service in Texas is provided either via the state program administered by CSEC and implemented through the state's 24 RPCs or at the county/municipal level by one of the state's 51 ECDs.

Funding of the state 9-1-1 program is provided for by the Texas Legislature via a biennial appropriation to CSEC from collected wireline, wireless and surcharge fees remitted to the Texas Comptroller of Public Accounts ("Comptroller") and deposited into dedicated accounts. CSEC provides grants of appropriated funds to the 24 RPCs. The RPCs pay 9-1-1 service expenses

¹¹ § 771.071.

¹² The wireless 9-1-1 fee and equalization surcharge are statewide fees that are remitted by service providers to the Texas Comptroller of Public Accounts. CSEC distributes to each ECD its pro-rata share of remitted wireless 9-1-1 fees on a monthly basis, and to the RPCs their pro-rata portion of appropriated wireless fees. Equalization surcharge is appropriated to CSEC primarily to supplement the funding of those RPCs in which allocated wireline/wireless 9x fees under the state formula are insufficient to fund 9-1-1 service, and to fund the state's poison control program.

¹³ Reported wireline 9-1-1 fees include 2008 amounts for Calhoun County 9-1-1 Emergency Communication District and Medina County 9-1-1 District. At the time of filing, CSEC had not received calendar year 2009 amounts from either 772 ECD.

directly to service providers and make grant funds available through Interlocal Agreements with the local government units within each RPC's region that provide 9-1-1 service as part of the state 9-1-1 program. ECDs impose, collect and make available wireline 9-1-1 fees at the local level in accordance with either Health and Safety Code Chapter 772 or via their local governing bodies--depending upon the type of ECD.

The statewide wireless 9-1-1 fee is remitted to the Comptroller. Collected wireless fees are returned by CSEC to each ECD based on the ratio of the ECD's population to the population of the state.¹⁴ ECDs allocate their proportion of wireless fees to their local governing bodies in the same manner as wireline 9-1-1 fees. As previously stated, the state 9-1-1 program receives appropriated wireless 9-1-1 funds via grants by CSEC to the RPCs.

Appropriated wireline 9-1-1 fees within the state 9-1-1 program area are allocated by CSEC to RPCs "for use in providing 9-1-1 services as provided by contracts executed under Section 771.078."¹⁵ Wireline 9-1-1 fees collected within the areas of 772 ECDs are accounted for in the ECDs' annual budget and may only be expended for 9-1-1 purposes as expressly provided by the applicable law in Chapter 772.¹⁶ The use of wireline 9-1-1 fees collected by Municipal ECDs is prescribed by applicable laws or ordinances for expending funds in accordance with city and county budgets.¹⁷ Wireless 9-1-1 fees, regardless of the 9-1-1 entity in receipt thereof, "may be used only for services related to 9-1-1 service."¹⁸ Appropriated equalization surcharge is allocated by CSEC to "fund approved plans of regional planning commissions and regional poison control centers [under Section 777.009] and to carry out its duties under this chapter."¹⁹ Surcharge may also be appropriated to "fund county and regional emergency medical services, designated trauma facilities, and trauma care systems."²⁰

FCC REQUEST: A statement identifying any entity in the state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

RESPONSE: CSEC administers the state 9-1-1 program and receives funding for the program

¹⁴ § 771.0711(c).

¹⁵ § 771.071(f).

¹⁶ §§ 772.114, 772.214, and 772.314; Texas Att'y Gen Op. No. JC-410.

¹⁷ Tex. Local Gov. Code, Chapter 102 (city budgets); Tex. Local Gov. Code, Chapter 111 (county budgets). *See also e.g.*, City of University Park Code of Ordinance 1.1102; City of Lancaster Ordinance, Chapter 1, Article 1.400, Sec. 1.402; City of Hutchins, Ordinance No. 692, Sec. 1., Art. 11.801.

¹⁸ Tex. Health & Safety Code § 771.0711(c).

¹⁹ § 771.072(f).

²⁰ § 771.072(g) (quotation from § 773.122 regarding Emergency Medical Services).

through a legislative appropriation. CSEC's appropriation request is derived from detailed information submitted by each of the 24 RPCs to CSEC regarding the cost to fund each region's 9-1-1 program. The resulting legislative appropriation prescribes with some specificity CSEC's allocation of appropriated funds. Additionally, CSEC may only allocate appropriated monies to those RPCs with CSEC-approved regional 9-1-1 plans, and then only via contracts with each RPC detailing how allocated monies are to be used.²¹ Finally, each RPC is subject to audit by the state auditor at the request of the Public Utility Commission of Texas.²²

Regarding local administration of 9-1-1 service, the 772 ECDs are governed by a Board of Managers ("Board") comprised of representatives from each of the governmental jurisdictions participating in the ECD. The Board has the statutory authority under Texas Health and Safety Code Chapter 772 to approve allowable 9-1-1 expenses in accordance with its annual budget. Allowable expenses for such ECDs "include all costs attributable to designing a 9-1-1 system and to all equipment and personnel necessary to establish and operate a public safety answering point and other related answering points that the board considers necessary."²³ 772 ECDs are also required to have their director submit a sworn statement on all money received and disbursed and have an independent financial audit.²⁴ Municipal ECDs' budgets, and audits thereof, are subject to applicable municipal ordinances and/or Texas Local Government Code Chapters 102 (budgets) and 103 (audit of finances). The sole county Municipal ECD—the Dallas County Sheriff's Office—is subject to Texas Local Government Code, Chapters 111 (budget) and 112 (financial accounting).

FCC REQUEST: A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

RESPONSE: On behalf of the RPCs and all ECDs, CSEC affirms that all 9-1-1 funds have been made available and/or used solely for the purposes designated by the applicable funding mechanism in accordance with applicable laws. CSEC makes the foregoing statement based on Texas laws, local ordinances, public documents, and representations by the ECDs.

FCC REQUEST: A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

RESPONSE: On information and belief, no 9-1-1 funds have been made available or used for

²¹ §§ 771.056 and 771.078.

²² § 771.076(c).

²³ §§ 772.117, 772.217, and 772.317.

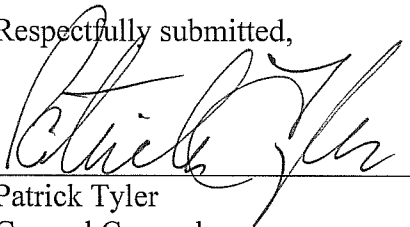
²⁴ §§ 772.109, 772.209, and 772.309.

purposes other than those designated by the applicable funding mechanism or used for purposes unrelated to 9-1-1 or E911.

FCC REQUEST: Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 911 and E911.

RESPONSE: In addition to 9-1-1 funds, local governments rely upon other revenue sources to fund parts of the 9-1-1 system, including the funding of emergency call-taker training and salaries.

Respectfully submitted,



Patrick Tyler
General Counsel

Enc: Patrick Tyler Verification

Cc: (Via Email Only)
Texas Governor's Office
Public Utility Commission of Texas
Texas 9-1-1 Alliance
Municipal Emergency Communication Districts Assoc.

VERIFICATION OF PATRICK TYLER

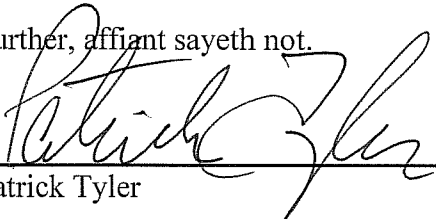
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, personally appeared Patrick Tyler, who,
being known to me, and being by me duly sworn on his oath states:

“My name is Patrick Tyler. I am over the age of 21 years and I am fully
competent to make this verification. I have been the Commission on State
Emergency Communications’ General Counsel since January 2005.


I declare under penalty of perjury under the laws of the State of Texas that I have
read the above response to the Federal Communications Commission’s Public
Notice and I know it is true of my own knowledge, except as to those things
stated upon information and belief, and as to those I believe it to be true.”

Further, affiant sayeth not.

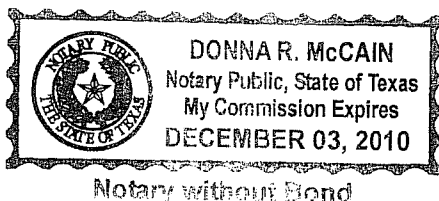


Patrick Tyler

SUBSCRIBED AND SWORN to before me on this the 23 day of March,
2010.



Notary Public in and for the State of Texas
My commission expires:





State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of Public Safety

D. LANCE DAVENPORT
Commissioner

March 24, 2010

Admiral James Arden Barnett, Jr.
Chief, Public Safety and Homeland Security Bureau
Public Safety and Homeland Security Bureau
445 12th Street, S.W.
Washington, DC 20554
(E911 Federal Communications Commission)

Re: Initial Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008; PS Docket No. 09-14

Admiral Barnett:

The following information is provided pursuant to your request.

1. The State of Utah has established a funding mechanism in State Code 69-2-5 Funding for 911 emergency telecommunications service. The code allows several funding mechanisms and the most popular method employed is that of imposing a surcharge on communication services as described below: (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of this Subsection (3) a county, city, or town within which 911 emergency telecommunications service is provided may levy monthly an emergency services telecommunications charge on: (i) each local exchange service switched access line within the boundaries of the county, city, or town; (ii) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, or town; and (iii) any other service, including voice over Internet protocol, provided to a user within the boundaries of the county, city, or town that allows the user to make calls to and receive calls from the public switched telecommunications network, including commercial mobile radio service networks.

2. The 911 surcharge is bifurcated into a \$0.61 per line charge and a \$0.08 per line charge. The surcharge is collected by the Utah State Tax Commission and the \$0.61 per line charge is remitted to the local entity (city, county, or public agency supporting the local PSAP) and the \$0.08 per line charge is remitted to the state. The amounts that can be collected are specified in State Code 69-2-5 and State Code 69-2-5.6. The total amount collected for local PSAP authorities from January 1, 2008 to December 31, 2008 was \$20,739,355. The total amount collected for the State of Utah from January 1, 2009 to December 31, 2009 was \$2,724,374.

3. The city, county, or public agency sponsoring the PSAP is responsible for the expenditure of their portion of the 911 funds according to local and state laws and policies. With regards to 911 funds collected by the state, State Code 53-10-603 creates a restricted account in the General Fund entitled the "Statewide Unified E-911 Emergency Service Fund," or "fund." State Code 23-10-601 creates the Utah 911 Committee that consists of 18 members made up of local, state, and industry representatives. This committee authorizes the use of the money in the fund pursuant to State Code 53-10-605, by grant, to local entity or state agency.

4. State Code 53-10-605 sets forth the criteria for the use of 911 funds. The purpose is to enhance the 911 emergency services and where needed, assist the counties, in cooperation with private industry, with the creation or integration of wireless systems and location technology in rural areas of the state. The state's Automated Geographic Reference Center in the Division of Integrated Technology of the Department of Technology Services receives an amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6 to provide assistance to the various PSAPs to establish addressing standards and enhance and upgrade statewide digital mapping for the express use of supporting E911 in the various PSAPs. The 1 cent is taken from the 8 cents collected for the state. The State of Utah Tax Commission is authorized to retain up to 1.5% for the collection and distribution of 911 funds per State Code 69-2-5.

5. The 911 fund, local and state, are a restricted fund and are to be used for 911 and 911 related items. Radios, CAD systems, digital call log recorders are not funded from the 911 restricted fund. The funds roll over from year to year and any funds not spent during the year are available to be used in the subsequent year. 911 funds are used only for the support of 911 as provided by law.

6. The 911 funding mechanism in Utah has enabled local government to provide 911 Emergency Telephone Service throughout the state. The service is, for the most part, Enhanced 911 and, for the most part, Phase II compliant. State grants have enabled local PSAPs to upgrade and refresh their equipment. The most recent equipment purchases have IP capability and position the state to move forward towards NG 911.

Please contact me with any questions and/or concerns.

Sincerely,

Bill Jensen
Utah 911 Program Manager
801-647-8193
awjensen@utah.gov

4501 South 2700 West, Box 141775, Salt Lake City, Utah 84114-1775•telephone main # (801) 965-4461 or (800) 222-0038



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Federal Communication Commission
445 12th Street, SW
Washington DC 20554

April 29 2010

RE: Information Collection Mandated By the New and Emerging
Technologies Improvement Act of 2008

Dear Sir or Madam:

In response to your request to Governor Jim Douglas, the following is our response to your questions with regard to the NET 911 Act.

1. Statement as to whether or not the state or other entity as defined by Section 6(f)(1) of the NET 911 Act has established a funding mechanism designed for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Title 30, Chapter 88 of Vermont Statutes establishes a Universal Telecommunication Service to support TTY, Lifeline and Enhanced 9-1-1, however the State of Vermont has no established fees specific to IP-enabled voice services.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31 2009.

Title 30, Chapter 88 of Vermont Statutes establishes a Universal Telecommunication Service to support TTY, Lifeline and Enhanced 9-1-1. For the period beginning on September 1 2009 and ending August 31, 2010, the rate of charge is 2% of retail telecommunications service.

The amount drawn from the Vermont Universal Service Fund in support of E911 for the period July 2 2009 to June 30 2010 is \$5,487,046.

3. A statement describing how the funds collected are made available to localities, and whether the state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Vermont has eight (8) public safety answering points (PSAPs). Four (4) state operated facilities falling under the purview of the State of Vermont Department of Public Safety and four (4) regional facilities. The four (4) state operated PSAPs are funded through an annual appropriation as approved by the Vermont General Assembly. The four (4) regional PSAPs are funded through a Memorandum of Understanding based on the # of PSAP positions overall and the cost approved by the general assembly for the Dept of Public Safety.

4. A statement identifying any entity in the state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

Vermont Statutes Annotated Title 30 VSA, Part III, Chapter 87, §7054 defines the Vermont general assembly as the entity in the state who provides for the expenditure of funds collected and is specific in the types of disbursements that can/cannot be made against the fund.

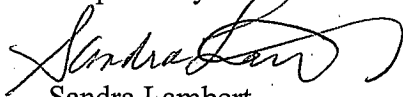
5. A statement whether all the funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

All funds appropriated by the Vermont general assembly in the 2009 Appropriations Act #192, Section 2.139 Enhanced 9-1-1 Board were in support of E911.

6. Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 911 and E911.

We are attaching a white paper with regard to Universal Service Fund mechanism.

Respectfully submitted



Sandra Lambert

Financial Administrator

Acting for and in the absence of the Executive Director

Is the USF obsolete

Across the country, 9-1-1 systems have relied upon the Universal Service Fund (USF) as a major source of funding. Typically, phone subscribers pay a percentage of their phone bill into the USF. Relying on the USF to pay for 9-1-1 systems is problematic. If 9-1-1 systems are going to remain viable, they must develop a new source of funding.

One fundamental problem with the USF as a 9-1-1 funding source ties back to the fact that the USF is collected where the subscriber pays his phone bill, which increasingly is not the same place as where the subscriber makes a 9-1-1 call. The USF made sense in a wired world. Phones did not stray. They were used in a single location. A governmental organization could be certain that the phones in their jurisdiction were billed in their jurisdiction; therefore, they could count on receiving the revenue through the USF.

This changed when wireless phones became commonplace. VoIP service has added to the concern. Now the billing location is not necessarily the same as the location where calls are made. This problem is compounded in resort areas, college towns, and other areas with a transient population. Logan, Utah is a good example. The year round population of Logan is around 43,000. Utah State University in Logan has over 23,000 students. With many of the students coming from out of town, presumably with cell phones billed to their home address, the city of Logan has to provide 9-1-1 services for a population of nearly 70,000, but has to rely on a much smaller number who contribute to the USF. The state of Vermont has around 600,000 residents, but due to its reputation as a vacation destination, and two interstates running between major metropolitan area on the East coast of the U.S. and Canada, sees over 13,000,000 visitors each year. These visitors rely on Vermont's 9-1-1 services, but pay into the USF back home. The result of these trends is that shrinking USF monies have to provide 9-1-1 services for growing populations.

The USF is dwindling for other reasons. Wired subscribers are switching to VoIP service as it becomes available. Since many VoIP providers do not contribute to the USF this directly impacts the USF. VoIP also typically costs less than traditional phone service. This is going to pressure traditional phone service providers to reduce their charges to remain competitive. Since the USF is usually based on a percentage of a subscriber's phone bill, lower phone costs will further erode the USF.

There is some question about whether or not the USF is completely legal. A recent decision by the Eight Circuit Court of Appeals in the matter of Vonage Holdings Corp vs. the Nebraska Public Service Commission found that Vonage, and presumably other VoIP providers, is not a telecommunication service provider, and therefore does not have to pay into the USF. As more consumers adopt VoIP service, USF contributions will shrink.

Perhaps there is a better way to fund 9-1-1. Let's start with a few assumptions. First, we don't want to discourage individuals with legitimate emergencies from calling 9-1-1; 9-1-1 should remain a free call. Second, 9-1-1 is an essential service that provides a great value to society, therefore 9-1-1 should be funded and expanded to adapt to new technologies. Third, the users of a service should bear reasonable costs for providing the service. There is already a model to provide a service that has no per-use charge,

and is widely available, with costs borne by the all users of the service. It is based on the concept of insurance.

How would an insurance model work for 9-1-1? There would have to be a system to pay 9-1-1 jurisdictions each time a 9-1-1 call was made, and then spread the costs among all the individuals who can use 9-1-1 service. Fortunately, the pieces are already in place to implement an insurance-based system for 9-1-1.

The 9-1-1 jurisdiction would need to establish a per-call rate. The calculation should be fairly straightforward—budget divided by projected number of calls. This could be determined by the 9-1-1 jurisdiction itself, or by a regulatory agency that handles telecommunications. The rate could be set as needed or on a regular basis such as yearly.

When a 9-1-1 call enters a 9-1-1 system, it carries with it the company ID. This identifies the company that the 9-1-1 caller is subscribed with. In an insurance model, the 9-1-1 jurisdictions would be able use the company ID to determine who should be billed for each 9-1-1 call. By billing the carrier, rather than the caller, 9-1-1 calls remain free of charge. The carrier would then be allowed to spread out the total cost of 9-1-1 calls among all of its subscribers. To compensate the carriers for their role in collecting the funds for 9-1-1 they would be allowed to recover more than 100% of the amount billed for 9-1-1 calls.

A simplified example will make this clearer. Last year the fictional Springfield 9-1-1 Board's 2 PSAPs handled 185,000 calls. Historical information shows a 2% annual growth, so in the coming year, 188,700 calls are expected. The Board's budget for the coming year is \$3,110,500.00 so they set their per-call rate at \$16.48 ($3,110,500 / 188,700$). Similarly, every 9-1-1 jurisdiction in the country does the same, and comes up with their unique rate. (Note: with every 9-1-1 jurisdiction publishing its per-call rate, efficient programs would stand out, as would inefficient programs. This level of transparency would help contain 9-1-1 costs.)

ABC Wireless has 20,000,000 customers throughout the United States. One of them happens to be in the jurisdiction of the Springfield 9-1-1 Board when he has an emergency and dials 9-1-1. When the call is delivered to the PSAP, it contains ABC's company ID. Software at the Springfield 9-1-1 Board records this information and at the end of the month bills ABC wireless \$16.48. The billing is automatic and uses Internet connectivity to keep the process efficient. ABC wireless is able to match up the billed amount with the call record to provide a check for billing errors.

In the same month, ABC's twenty million subscribers all over the US make a total of 51,300 9-1-1 calls, at an average cost of 17.00 per call. This continues for each month of the year, for an annual total of \$10,465,200 ($51,300 \times 17.00 \times 12$). ABC recovers this amount, plus a 2% administrative overhead, by charging each subscriber \$0.045 each month ($(\$10,465,200 \times 102\%) / 12 / 20,000,000$).

**THE UNITED STATES VIRGIN ISLANDS**

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

April 12, 2010

James Arden Barnett
Rear Admiral (Ret.)
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington D.C. 20554

RE: Initial Information Collection Mandated By the New and Emerging Technologies Act of 2008

Dear Mr. Barnett:

The following is a response to your inquiry received March 5, 2010, requesting the Government of the Virgin Islands to provide specific information regarding the collection and expenditures of fees or charges established by this jurisdiction in connection with 911 and Enhanced 911 services, under Section 6(f)(2) of the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act).

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 supported or implementation (including a citation to the legal authority for such mechanism.

Act 6333 Section 29 authorized the levy of a \$1.00 fee on each monthly telephone bill. As a result, the Government of the United States Virgin Islands (GVI) established a special fund, designated as the "Emergency Services Fund," held by the Commissioner of Finance on behalf of GVI, which is separate and apart from all other funds of the Government. Monies that shall be deposited into the Emergency Services Fund include all emergency services surcharges added to any telephone bill; any grant, donation or gift made specifically for emergency services; legislative appropriations; and fees collected for the use of emergency services supported by this fund.

James Arden Barnett
April 12, 2010
Page 2

2. The amount of fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

For the calendar year ending Dec. 31, 2009, the GVI collected \$590,812.00 in surcharges for the implementation and support of 911 and E911 services, and disbursed \$444,432.15.

Based upon Title 33, Subtitle 3, Chapter 111, Section 3099 9(c)(d)(e): The Emergency Services Fund is maintained and administered by the Virgin Islands Department of Finance.

- Monies in the Emergency Services Fund are expended by the Commissioner of Health, the Director of Virgin Islands Territory Emergency Management Agency (VITEMA) or the Director of the Fire Services for the purchase of equipment, professional services, or supplies necessary to provide, maintain or improve emergency medical services (EMS), fire services or 911 emergency services and equipment.

- The Virgin Public Finance Authority, established in Title 21 section 103, of the Code, may leverage monies in the Emergency Services Fund at the request of the Commissioner of Health, the Director of VITEMA and the Fire Services.

- No monies shall be expended from the Emergency Services Fund for any purpose other than those enumerated in Section 3099, and no one entity may expend more than one-third of the aggregate amount of monies contained in the fund without notices to the other parties and approval of the Governor.

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911 or E911.

Entities within the GVI which have authority to approve the expenditure of funds collected for 911 or E911 purposes include the Commissioner of Health, the Director of VITEMA, the Director of Fire Services, the Commissioner of Property and Procurement and Commissioner of Department of Finance.

James Arden Barnett
April 12, 2010
Page 3

Upon uploading all fees collected by the Department of Finance onto the CFI's Enterprise Resource Planning System (ERP) to allow authorized entities to spend, oversight procedures to approve transactions are conducted through the embedded electronic workflow approval process per the Enterprise Resource Planning (ERP) system.

4. A statement of whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

The Commissioner of Health, the Director of VITEMA and the Director of Fire Services must attest that all funds made available have been used for the purposes outlined in 33 V.I.C. § 3099. — All of the funds collected have been made available or used for the purposes designated by the Emergency Services Fund. Information on all disbursements is imbedded in the ERP and reports are accessible for review.

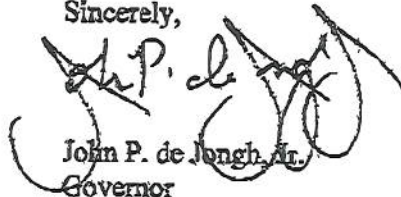
5. A statement identifying what amount of collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a state.

None of the amounts collected for the Emergency Services Fund were used for any other purposes other than the ones outlined in Title 33, Chapter 111, Section 3099, V.I.C.

6. Act 7074, implemented on October 2, 2009 consolidated various emergency management functions including 911 under VITEMA. 911 was previously housed under the Virgin Islands Police Department which previously had access to one-third of the funds generated. Under Act 7074 that portion is now to be allocated to VITEMA in FY 2010.

Should you require clarification or have further inquiries regarding the response contained herein, please contact Mr. Mark A. Walters, Director, Virgin Islands Territorial Emergency Management Agency at (340) 774-2244.

Sincerely,



John P. de Jongh, Jr.
Governor



COMMONWEALTH of VIRGINIA

Virginia Wireless E-911 Services Board

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Michael M. Cline
Chairman
VDEM

John W. Knapp, Jr.
Vice-Chairman
Verizon

David A. Von Moll
Treasurer
Comptroller

Linda W. Cage
Mecklenburg County

George Coulter
VITA

Chief Ed Frankenstein
Prince George County

Tracy Hanger
City of Hampton

Philip Heins
Hanover County

Lt. Colonel Robert Kemmler
Virginia State Police

Robert Layman
AT & T

Robert L. McAvoy
NTELOS

Chief Ron Mastin
Fairfax County

Sheriff Fred Newman
Washington County

Pat B. Shumate
Roanoke County

Denise B. Smith
Charles City County

Albert F. Vincent
Virginia Dept. of
Emergency Management

March 23, 2010

James Arden Barnett, Jr.
Rear Admiral (Ret.)
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Dear Sir:

I am receipt of your letter requesting information identified in the FCC's Public Notice, DA 10-240. This annual collection of information is mandated by the New and Emerging Technologies Act of 2008 (NET 911 Act). The specific information requested is provided to you in the same sequential format outlined in your letter. If you should have any questions regarding the information provided, or need any further assistance, please do not hesitate to contact me. Thanks for your continued leadership.

Sincerely,

A handwritten signature in black ink that reads "Dorothy A. Spears-Dean".

Dorothy A. Spears-Dean, A.B.D.
PSC Coordinator
Virginia Information Technologies Agency

1. The Commonwealth of Virginia has established a funding mechanism for the support and implementation of wireless E-911. The state E-911 surcharge on wireless telephone service is imposed pursuant to *Code of Va.* § 56-484.12 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.12>.

The Landline E-911 tax on landline telephone service is collected pursuant to 2006 House Bill 568 (Acts of Assembly 2006, Chapter 780) <http://leg1.state.va.us/cgi-bin/legp504.exe?061+ful+CHAP0780>.

2. The state wireless E-911 surcharge is a monthly fee of \$0.75. Each CMRS provider collects a wireless surcharge from each of its customers whose place of primary use is within the Commonwealth. In addition, the wireless E-911 surcharge is imposed on wireless customers who purchase prepaid CMRS service, subject to certain provisions. A payment equal to all wireless E-911 surcharges is remitted within 30 days to the Wireless E-911 Services Board for deposit into the Wireless E-911 Fund, a special nonreverting fund created in the state treasury. The collected wireless surcharge funds are made available to the localities pursuant to *Code of Va.* § 56-484.17 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.17>. The distribution of wireless funding is as follows:

- Sixty percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to the percentage of recurring wireless E-911 funding received by the PSAP as determined by the Board.
- Using 30% of the Wireless E-911 Fund, the Board shall provide full payment to CMRS providers of all wireless E-911 CMRS costs.
- The remaining 10% of the Fund and any remaining funds for the previous fiscal year from the 30% for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and a payment schedule; however, the grants must be to the benefit of wireless E-911.

The total amount collected pursuant to the assessed surcharge for the annual period ending December 31, 2009, is **\$52,022,170.24**.

In 2006, House Bill 568 replaced many of the historic state and local communications taxes and fees with a centrally administered communications sales and use tax and a uniform statewide E-911 tax on landline telephone service. The landline E-911 tax is imposed at the rate of \$0.75 per line. The landline E-911 tax is collected and remitted monthly by communications services providers to the Commonwealth's Department of Taxation and deposited into the Communications Sales and Use Tax Trust Fund. Moneys in the Fund are distributed by the Department of Taxation to localities on a monthly basis.

3. The Wireless Services Board (Board) is the entity within the Commonwealth of Virginia that has the authority to approve the expenditure of funds collected for wireless E-911 purposes. Pursuant to *Code of Va.* § 56-484.14 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.14>, the Board can “collect, distribute, and withhold moneys from the Wireless E-911 Fund”. At the end of each fiscal year, on a schedule adopted by the Board, the Board audits the wireless grant funding received by all recipients to ensure that it was utilized in accordance with the grant requirements. In addition, the Auditor of Public Accounts annually audits the Wireless E-911 Fund.
4. All funds collected for wireless E-911 purposes have been used for the implementation and support of wireless E-911. However, in addition to the funding distribution mentioned above, wireless moneys are utilized for two other purposes that support wireless E-911. First, pursuant to *Code of Va.* § 56-484.14 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.16>, wireless E-911 funding is provided to the Virginia State Police to accept wireless 9-1-1 calls for those PSAPs not yet taking wireless E-911 calls directly. Secondly, pursuant to *Code of Va.* § 2.2-2031 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2031>, the salaries of the employees of the Division of Public Safety Communications are paid from the Wireless E-911 Fund.
5. In the current proposed biennium budget for the Commonwealth of Virginia, wireless E-911 funds will be used to support sheriffs’ 9-1-1 dispatchers. In both fiscal years, it is proposed that \$8M will be transferred from the Wireless E-911 Fund to the Compensation Board for this purpose. In the Commonwealth of Virginia, budget language supersedes Code. Although the support of sheriffs’ 9-1-1 dispatchers is not specifically mentioned in the funding mechanism established in Code, the purpose is directly related to supporting E-911.
6. In January 2008, the Wireless E-911 Services Board approved the *Virginia Statewide Comprehensive 9-1-1 Plan* to address the future of 9-1-1 in Virginia <http://www.vita.virginia.gov/isp/default.aspx?id=8486>. This plan is the Commonwealth’s strategic roadmap for Next Generation 9-1-1 (NG9-1-1) services. In order to keep this plan focused, and the participants engaged, the next planning lifecycle for this strategic document is underway. Funding for NG9-1-1 is an important component of the Plan. Projects that support this Plan are currently funded through 9-1-1 State grants and Federal grants.



**STATE OF WASHINGTON
MILITARY DEPARTMENT**
Camp Murray • Tacoma, Washington 98430-5000

March 22, 2010

RADM (Ret) James Arden Barnett Jr.
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington DC 20554-0001

Dear Admiral Barnett:

Thank you for your recent letter to Governor Chris Gregoire requesting information on the collection and distribution of fees and charges related to Enhanced 911 services in Washington State, PS Docket 09-14. In response, the attached document was prepared by the Washington State Enhanced 911 Program Office, Washington Military Department, and submitted electronically.

Washington State has a long-standing positive working relationship with the Commission on 911 issues. Thank you for the continued interest in and support to 911 and public safety concerns.

The point of contact for the state of Washington is Robert Oenning, Washington State Enhanced 911 Program Manager, at 253-512-7011 or b.oenning@emd.wa.gov.

Sincerely,

A handwritten signature in blue ink, reading "Timothy J. Lowenberg".

Timothy J. Lowenberg, Major General
The Adjutant General
Washington Military Department

Attachment



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

MS: TA-20 Building 20
Camp Murray, Washington 98430-5122
Phone: (253) 512-7000 • FAX: (253) 512-7200

Before the
Federal Communications Commission
Washington, D.C. 20554
March 22, 2010

In the Matter of
NET911 Act

Initial Information Collection Mandated By the
NET 911 Act of 2008

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PS Docket No. 09-14

Comments from;
Enhanced 911 Program Office
Washington Military Department
Camp Murray, Washington

Washington State is proud of our forward looking 911 programs and welcomed the New and Emerging Technologies 911 Improvement Act of 2008 as a clear indication that Congress was taking a strong interest in the viability of our Nation's universal critical link to emergency response, 911.

In answering your questions derived from provisions of the NET 911 Act it is valuable to establish some background for the Enhanced 911 Program in Washington State. The program was authorized in 1991 with the voter approval of Referendum 42. That act modified existing local taxing authority and established the obligation of counties to assure that Enhanced 911 (E911) dialing was available, established a statewide program to support the counties, and permitted both a local and statewide taxing authority to support the implementation and operation of Enhanced 911. Modifications of the legislation since that time have extended the tax to wireless, implemented requirements for private telephone system integration to the 911 system, and changed the role of the state program to attain efficiencies by acquiring network and database services for all counties. 911 services to Tribal Governments are included in the county obligation to assure E911 dialing. Pertinent statutes and rules concerning controls on the use of the funds can be viewed on the Emergency Management web page at:
http://www.emd.wa.gov/e911/e911_financial_support.shtml under policies and laws.

1. All 39 Counties in Washington State have implemented the maximum 911 fee of 50¢ per month per subscriber for both wireline and wireless services. The State has implemented the maximum statewide fee of 20¢ per month per subscriber for both wireline and wireless services. Both fees are authorized by Revised Code of Washington 82.14B.030ⁱ.
2. Both the state and all counties collect the fees at the maximum permitted with the total receipts for the annual period ending December 31, 2009 being \$20,555,553 for the state fees and \$50,481,165 for the county fees. The State fee is collected by the carriers and is submitted to the Department of Revenue who then deposits it into the state Enhanced 911 account. The carriers remit the local excise tax directly to the counties. The use of the fees is controlled by two mechanisms. The first are the limitations imposed by RCW 82.14B.020 and RCW 82.14B.050 that together permit a fairly broad utilization of the county tax.ⁱⁱ The second limiting factor is the requirements associated with a county receiving assistance from the State E911 Program. A definitive list of permitted uses for the funds has been adopted as Washington Administrative Code with the counties required to spend their local collection on those items before being eligible for state assistance, and with limits on the amount that will be considered for reimbursement for many items.ⁱⁱⁱ The total funding collected from the 911 excise taxes is less than 36% of the total funding required to operate Enhanced 911 in Washington State with remaining support coming from other local government sources.
3. The State E911 Coordinator is given rule making authority to adopt Washington Administrative Codes related to the permitted uses of the State Enhanced 911 funds.^{iv} That position is given the working title of State Enhanced 911 Administrator and resides within the Emergency Management Division of the Military Department. In addition to the rules adopted to govern the use of the funds, there is an extensive annual application and reimbursement process designed to assure that both county and state funds are expended on designated items and within the approved limits to support E911. The primary control document is an annual contract with the county that spells out the detail of the supported items and includes provisions for contract performance with appropriate penalties for non-performance. Counties that do not request state assistance have greater latitude in the use of the locally collected E911 Excise taxes but are still held to the provisions of statute that limits the permitted uses.
4. The counties are given certain latitude in the use of the locally collected 911 funds. However, in order to receive state support they must commit to expenditures in support of 911 equal to the amount that the local tax generate if implemented at the maximum rate.^v The rules promulgated by the state E911 Program for the use of funds before being eligible for state assistance provide definitive control over the use of the funds in all counties. The control process assures that the

statutory intent of the 911 specific taxes collected in Washington State, or equivalent funds, are being expended to support E911.

5. The control process the State E911 Program Office utilizes along with audit controls provided by the Office of the State Auditor have uncovered instances of use of E911 Funds for unauthorized purposes all of which were promptly remedied. During the 2001-02 fiscal years the Legislature modified the purposes for which the State E911 funds could be utilized to include appropriations of \$6 Million to support other activities.
6. The control mechanisms for the expenditure of E911 Excise taxes are quite detailed and are clearly in support of the Legislative intent that the funds be spent as presented to the voters, solely to forward E911 services. The equivalency provisions in the statutes governing the use of the funds give local government some options on how to apply the funding, but make it clear that there is an obligation to support E911 not only to the degree that the tax is collected, but to the total permitted by the taxing authorization.

The answers to your questions were drafted by Bob Oenning, the State E911 Program Administrator who can be reached at 253-512-7011 or via email at b.oenning@emd.wa.gov should you have further questions or need additional information. Mr. Oenning has been the State's primary contact with the Commission for 911 issues for many years and I encourage you to contact him if you have any questions concerning issues related to 911.

Respectfully Submitted via electronic filing March 22, 2010



RCW 82.14B.030

County enhanced 911 excise tax on use of switched access lines and radio access lines authorized — Amount — State enhanced 911 excise tax — Amount. (Contingency, see note following RCW 82.04.530.)

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding fifty cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) The legislative authority of a county may also impose a county enhanced 911 excise tax on the use of radio access lines whose place of primary use is located within the county in an amount not exceeding fifty cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the subscribers who paid the tax. The ordinance shall further provide that to the extent the subscribers who paid the tax cannot be identified or located, the tax paid by those subscribers shall be returned to the county.

(3) A state enhanced 911 excise tax is imposed on all switched access lines in the state. The amount of tax shall not exceed twenty cents per month for each switched access line. The tax shall be uniform for each switched access line. The tax imposed under this subsection shall be remitted to the department of revenue by local exchange companies on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540.

(4) A state enhanced 911 excise tax is imposed on all radio access lines whose place of primary use is located within the state in an amount of twenty cents per month for each radio access line. The tax shall be uniform for each radio access line. The tax

imposed under this section shall be remitted to the department of revenue by radio communications service companies, including those companies that resell radio access lines, on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

(5) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax imposed by subsection (3) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

RCW 82.14B.050

Use of proceeds.

The proceeds of any tax collected under this chapter shall be used by the county only for the emergency services communication system.

RCW 82.14B.020

Definitions.

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, countywide, or districtwide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) "Enhanced 911 telephone system" means a public telephone system consisting of a network, database, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

(4) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

(5) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

(6) "Radio communications service company" has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers.

(7) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

(8) "Subscriber" means the retail purchaser of telephone service as telephone service is defined in RCW 82.16.010.

(9) "Place of primary use" has the meaning ascribed to it in RCW 82.04.065.

iii

WAC 118-66-050

Agency filings affecting this section

Eligible expenses.

Enhanced 9-1-1 communications systems are comprised of multiple components. Subject to available funds, expenses for implementation, operation, and maintenance costs of these components may be eligible for reimbursement if incurred by eligible entities. The components listed below may be eligible for reimbursement to eligible entities from the enhanced 9-1-1 account based on a reasonable prioritization by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee and in accordance with the purposes and priorities established by statute and regulation, including WAC 118-66-020.

(1) Expenses for the following wireline components may be eligible for reimbursement from the enhanced 9-1-1 account from funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)):

(a) Statewide dialing items:

(i) Switching office enabling;

(ii) Automatic number identification (ANI);

(iii) 9-1-1 voice network (B.01/P.01 grade of service level required);

(iv) Traffic studies between switching offices and the selective router;

(v) MSAG coordination and maintenance;

(vi) ALI/DMS service;

(vii) Reverse ALI search capability;

(b) Basic service items:

(i) Route diversity between switching offices and selective router;

(2) Expenses for the following wireless components may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):

(a) Wireless Phase I E9-1-1 service components:

(i) Phase I automatic location identification (ALI);

(ii) Phase I address;

(iii) Service control point Phase I capabilities;

(iv) Phase I ALI data base;

(v) Phase I MSAG coordination;

(vi) Phase I interface to selective router;

- (vii) Phase I interface to ALI data base;
- (viii) Phase I testing;
- (ix) Phase I implementation plans;
- (x) Phase I implementation agreements;
- (xi) Pseudo-ANI (P-ANI);
- (xii) Phase I 9-1-1 voice network;
- (xiii) MSC Phase I software capabilities;
- (xiv) Traffic studies between the MSC and selective router;
- (xv) Phase I ALI data circuits;
- (b) Wireless E9-1-1 Phase II service components (including all Phase I components):
 - (i) PSAP mapping;
 - (ii) Phase II CAD system upgrades;
 - (iii) Location determination technology;
 - (iv) Phase II implementation plan;
 - (v) Phase II testing;
 - (vi) MSC Phase II software capabilities;
 - (vii) Service control point Phase II capabilities; and
 - (viii) Mobile positioning center.
- (3) Expenses for the following components are shared with wireline and wireless enhanced 9-1-1 services and may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and from enhanced 9-1-1 account funds generated under the statewide wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):
 - (a) Statewide dialing items:
 - (i) Selective routing;
 - (ii) Automatic location identification (ALI) data base;
 - (iii) Traffic studies between selective router and PSAP;
 - (iv) ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment;
 - (v) ANI/ALI display equipment for primary PSAPs;
 - (vi) That portion of a telephone system compatible with enhanced 9-1-1 that is used to answer 9-1-1 calls;
 - (vii) TTY required for compliance with the American Disabilities Act (ADA);
 - (viii) County 9-1-1 coordinator duties;
 - (b) Basic service items:
 - (i) Call detail recorder and/or printer;
 - (ii) E9-1-1 mapping administration;
 - (iii) Mapping display for call answering positions that are ANI/ALI equipped.
 - (iv) Instant call check equipment (one per 9-1-1 call answering position);
 - (v) Uninterruptible power supply (UPS) for PSAP enhanced 9-1-1 equipment;
 - (vi) 9-1-1 management information system;
 - (vii) Headsets for 9-1-1 call takers;
 - (viii) 9-1-1 call receiver salaries and benefits;
 - (ix) Language line service;
 - (x) Call receiver training;
 - (xi) Enhanced 9-1-1 document retention and destruction;
 - (xii) 9-1-1 coordinator electronic mail;
 - (xiii) Route diversity between selective router and PSAP;
 - (xiv) Alternate routing and/or night service;
 - (c) Capital:
 - (i) Auxiliary generator to support 9-1-1 emergency telephone service for backup;
 - (ii) Logging recorder for 9-1-1 call;
 - (iii) Computer aided dispatch (CAD) system hardware and software; and
 - (iv) Clock synchronizer.

iv

RCW 38.52.540

Enhanced 911 account.

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(3) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(4) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

(4) During the 2001-2003 fiscal biennium, the legislature may transfer from the enhanced 911 account to the state general fund such amounts as reflect the excess fund balance of the account.

RCW 38.52.510

Statewide enhanced 911 service — Funding by counties.

By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by RCW 38.52.520 shall assist and facilitate enhanced 911 implementation throughout the state.



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT
Building 1, Room EB-80
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0360
Telephone: (304) 558-5380 Fax: (304) 344-4538

JOE MANCHIN III
GOVERNOR

JOSEPH C. THORNTON
ACTING CABINET SECRETARY

JIMMY J. GIANATO
DIRECTOR

April 28, 2010

Mr. Thomas J. Beers, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Dear Mr. Beers:

On Behalf of Governor Joe Manchin, III, pursuant to your letter received on April 16, 2010, and in compliance with the New and Emerging Technologies 911 Improvement Act of 2008, I submit to you the following requested information on behalf of the State of West Virginia.

E9-1-1 funding in the State of West Virginia is accomplished in two ways. Currently, funding for land-line service is provided for under WV Code §7-1-3cc. This section of the Code authorizes County Commissions to impose a fee on consumers of local exchange service within their county for the purpose of funding an emergency telephone system. These fees vary based on ordinances passed by each county commission and are collected by the local exchange carrier and remitted directly to the county.

In addition, §24-6-6b of the State Code imposes a fee to be collected by all CMRS providers on each valid retail commercial mobile radio service subscription as defined by the West Virginia Public Service Commission. That fee is currently three dollars (\$3.00) per month per subscriber. That three dollar fee is divided as directed in the statute in the following manner as defined in the WV Code:

"ten cents to be distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with those of the enhanced 911 systems: Provided, however, That for the fiscal year beginning on the first day of July, two thousand five, and for every fiscal year thereafter, one million dollars of the wireless enhanced 911 fee shall be distributed by the Public Service Commission to subsidize the construction of towers"... And provided

Mr. Thomas J. Beers, Chief
Public Safety and Homeland Security Bureau
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further, That for the fiscal year beginning on the first day of July, two thousand six, and for every fiscal year thereafter, five percent of the wireless enhanced 911 fee money received by the Public Service Commission shall be deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system”.

Based on information provided by the West Virginia Public Service Commission, the Commission received \$33,760,563.00 in 2009. Of that amount, \$1,100,351.26 was distributed to the West Virginia State Police to be used as described above, \$1,666,688.91 was distributed to The Division of Homeland Security and Emergency Management to be used for the continued expansion of the West Virginia Interoperable Radio System and the remaining \$26,859,623.69 was distributed to the Counties. These funds are distributed based on the following formula as defined in West Virginia Code §24-6-6b et seq. The difference in the amount collected and the amount dispersed is due to the schedule of payments by the commission. I am attaching to this document copies of both statutes that address 9-1-1 fees in our State. The method of collection and distribution is defined in law. The State does not have a system in place to identify all land-line fees dispersed directly to the Counties from the multiple providers we have.

All 9-1-1 fees in West Virginia are ultimately dispersed by the counties except as noted below. West Virginia Code §7-1-3cc et seq defines what the eligible expenses are for the use of the 9-1-1 fees by the local jurisdictions:

“The fee revenues may only be used solely and directly for the capital, installation, administration, operation and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the reasonable costs associated with establishing, equipping, furnishing, operating or maintaining a county answering point. Effective on the first day of July, two thousand six, all county enhanced emergency telephone system fees that are in effect as of the first day of July, two thousand six, and as such may later be modified by action of a county commission, shall be imposed upon in-state subscribers to voice over internet protocol (VoIP) service, as VoIP service is defined by the Federal Communications Commission of the United States. A non-business VoIP service subscriber shall be considered in-state if the

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primary residence of the subscriber is located within West Virginia. A business subscriber shall be considered in-state if the site at which the service is primarily used is located within West Virginia. The Public Service Commission may, as it deems appropriate and in accordance with the requirements of due process, issue and enforce orders, as well as adopt and enforce rules, dealing with matters concerning the imposition of county enhanced emergency telephone system fees upon VoIP service subscribers."

The Code further states:

"The books and records of all county answering points that benefit from the imposition of the local exchange service fees shall be subject to annual examination by the state auditor's office"

It is my opinion that the wireless fees allocated to the West Virginia State Police and The West Virginia Division of Homeland Security and Emergency Management have been spent according to state law and have been used to support 9-1-1 services in our State. In addition, the funds allocated to the West Virginia Public Service Commission have been spent to build cellular towers in areas where it would not have been otherwise feasible to do so without supplemental funding. All of these towers are designed and built with the requirement that they are available for use by our state and local responders for enhancing public safety communications and 9-1-1 service. Many are already in use as we build out this system. I have not been made aware of any funds that have been distributed for their uses other than those provided by law.

The State of West Virginia and its local 9-1-1 Centers continue to be proactive in providing the best possible service to our citizens. If you have any questions, please feel free to contact me.

Sincerely,

Jimmy Gianato
Director

Attachments: West Virginia State Code §7-1-3cc
West Virginia State Code §24-6-6b

WEST VIRGINIA CODE

§7-1-3cc. Authority of county commissions to establish enhanced emergency telephone systems, technical and operational standards for emergency communications centers and standards for education and training of emergency communications systems personnel; standards for alarm systems; fee upon consumers of telephone service for the systems and for roadway conversion systems; authority to contract with the telephone companies for billing of fee.

(a) In addition to possessing the authority to establish an emergency telephone system pursuant to section four, article six, chapter twenty-four of this code, a county commission or the county commissions of two or more counties may, instead, establish an enhanced emergency telephone system or convert an existing system to an enhanced emergency system. The establishment of such a system shall be subject to the provisions of article six of said chapter. The county commission may adopt rules after receiving recommendations from the West Virginia Enhanced 911 Council concerning the operation of all county emergency communications centers or emergency telephone systems centers in the state, including, but not limited to, recommendations for:

(1) Minimum standards for emergency telephone systems and emergency communications centers;

(2) Minimum standards for equipment used in any center receiving telephone calls of an emergency nature and dispatching emergency service providers in response to that call and which receives 911 moneys or has basic 911 service funded through its county commission; and

(3) Minimum standards for education and training of all personnel in emergency communications centers.

(b) A county commission may impose a fee upon consumers of local exchange service within that county for an enhanced emergency telephone system and associated electronic equipment and for the conversion of all rural routes to city-type addressing as provided in section three of this article. The fee revenues may only be used solely and directly for the capital, installation, administration, operation and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the reasonable costs associated with establishing, equipping, furnishing, operating or maintaining a county answering point. Effective on the first day of July, two thousand six, all county enhanced emergency telephone system fees that are in effect as of the first day of July, two thousand six, and as such may later be modified by action of a county commission, shall be imposed upon in-state subscribers to voice over internet protocol (VoIP) service, as VoIP service is defined by the Federal Communications Commission of the United States. A nonbusiness VoIP service subscriber shall be considered in-state if the primary residence of the subscriber is located within West Virginia. A business subscriber shall be considered in-state if the site at which the service is primarily used is located within West Virginia. The Public Service Commission may, as it deems appropriate and in accordance with the requirements of due process, issue and enforce orders, as well as adopt and enforce rules, dealing with matters concerning the imposition of county enhanced emergency telephone system fees upon VoIP service subscribers.

(c) A county commission may contract with the telephone company or companies providing local exchange service within the county for the telephone company or companies to act as the billing agent or agents of the county commission for the billing of the fee imposed pursuant to subsection (b) of this section. The cost for the billing agent services may be included as a recurring maintenance cost of the enhanced emergency telephone system.

Where a county commission has contracted with a telephone company to act as its billing agent for enhanced emergency telephone system fees, all competing local exchange telephone companies with customers in that county shall bill the enhanced emergency telephone system fees to its respective customers located in that county and shall remit the fee. It may deduct its respective costs for billing in the same manner as the acting billing agent for the enhanced emergency telephone system fee.

(d) A county commission of any county with an emergency communications center or emergency telephone system may establish

standards for alarm systems, including security, fire and medical alarms.

(e) The books and records of all county answering points that benefit from the imposition of the local exchange service fees shall be subject to annual examination by the state auditor's office.

§24-6-6b. Wireless enhanced 911 fee.

(a) All CMRS providers as defined in section two of this article shall, on a monthly basis or otherwise for good cause and as directed by order of the Public Service Commission, collect from each of their in-state two-way service subscribers a wireless enhanced 911 fee. As used in this section "in-state two-way service subscriber" shall have the same meaning as that set forth in the rules of the Public Service Commission. No later than the first day of June, two thousand six, the Public Service Commission shall, after the receipt of comments and the consideration of evidence presented at a hearing, issue an updated order which directs the CMRS providers regarding all relevant details of wireless enhanced 911 fee collection, including the determination of who is considered an in-state two-way service subscriber and which shall specify how the CMRS providers shall deal with fee collection shortfalls caused by uncollectible accounts. The Public Service Commission shall solicit the views of the wireless telecommunications utilities prior to issuing the order.

(b) The wireless enhanced 911 fee is three dollars per month for each valid retail commercial mobile radio service subscription, as that term is defined by the Public Service Commission in its order issued under subsection (a) of this section: *Provided*, That beginning on the first day of July, two thousand five, the wireless enhanced 911 fee shall include ten cents to be distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with those of the enhanced 911 systems: *Provided*,

however, That for the fiscal year beginning on the first day of July, two thousand five, and for every fiscal year thereafter, one million dollars of the wireless enhanced 911 fee shall be distributed by the Public Service Commission to subsidize the construction of towers. The moneys shall be deposited in a fund administered by the West Virginia Public Service Commission, entitled Enhanced 911 Wireless Tower Access Assistance Fund, and shall be expended in accordance with an enhanced 911 wireless tower access matching grant order adopted by the Public Service Commission. The commission order shall contain terms and conditions designed to provide financial assistance loans or grants to state agencies, political subdivisions of the state and wireless telephone carriers for the acquisition, equipping and construction of new wireless towers, which would provide enhanced 911 service coverage and which would not be available otherwise due to marginal financial viability of the applicable tower coverage area: *Provided further*,

That the grants shall be allocated among potential sites based on application from county commissions demonstrating the need for enhanced 911 wireless coverage in specific areas of this state. Any tower constructed with assistance from the fund created by this subdivision shall be available for use by emergency services, fire departments and law-enforcement agencies communication equipment, so long as that use does not interfere with the carrier's wireless signal: *And provided*

further, That the Public Service Commission shall promulgate rules in accordance with article three, chapter twenty-nine-a of this code to effectuate the provisions of this subsection. The Public Service Commission is specifically authorized to promulgate emergency rules: *And provided*

further, That for the fiscal year beginning on the first day of July, two thousand six, and for every fiscal year thereafter, five percent of the wireless enhanced 911 fee money received by the Public Service Commission shall be deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system. Any funds remaining in this fund at the end of the fiscal year shall automatically be reappropriated for the following year.

(c) Beginning in the year one thousand nine hundred ninety-seven, and every two years thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as of the first day of March of the respecification year, of all of the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance:

Provided, That the wireless enhanced 911 fee may never be increased by more than twenty-five percent of its value at the beginning of

the respecification year: *Provided,*

however, That the fee may never be less than the amount set in subsection (b) of this section: *Provided*

further, That beginning on the first day of July, two thousand five, the wireless enhanced 911 fee shall include ten cents to be distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with those of the enhanced 911 systems: *And*

provided further, That beginning on the first day of July, two thousand five, one million dollars of the wireless enhanced 911 fee shall be distributed by the Public Service Commission to subsidize the construction of wireless towers as specified in said subsection.

(d) The CMRS providers shall, after retaining a three-percent billing fee, send the wireless enhanced 911 fee moneys collected, on a monthly basis, to the Public Service Commission. The Public Service Commission shall, on a quarterly and approximately evenly staggered basis, disburse the fee revenue in the following manner:

(1) Each county that does not have a 911 ordinance in effect as of the original effective date of this section in the year one thousand nine hundred ninety-seven or has enacted a 911 ordinance within the five years prior to the original effective date of this section in the year one thousand nine hundred ninety-seven shall receive eight and one-half tenths of one percent of the fee revenues received by the Public Service Commission:

Provided, That after the effective date of this section, in the year two thousand five, when two or more counties consolidate into one county to provide government services, the consolidated county shall receive one percent of the fee revenues received by the Public Service Commission for itself and for each county merged into the consolidated county.

Each county shall receive eight and one-half tenths of one percent of the remainder of the fee revenues received by the Public Service Commission:

Provided, however, That after the effective date of this section, in the year two thousand five, when two or more counties consolidate into one county to provide government services, the consolidated county shall receive one percent of the fee revenues received by the Public Service Commission for itself and for each county merged into the consolidated county. Then, from any moneys remaining, each county shall receive a pro rata portion of that remainder based on that county's population as determined in the most recent decennial census as a percentage of the state total population. The Public Service Commission shall recalculate the county disbursement percentages on a yearly basis, with the changes effective on the first day of July, and using data as of the preceding first day of March. The public utilities which normally provide local exchange telecommunications service by means of lines, wires, cables, optical fibers or by other means extended to subscriber premises shall supply the data to the Public Service Commission on a county specific basis no later than the first day of June of each year;

(2) Counties which have an enhanced 911 ordinance in effect shall receive their share of the wireless enhanced 911 fee revenue for use in the same manner as the enhanced 911 fee revenues received by those counties pursuant to their enhanced 911 ordinances;

(3) The Public Service Commission shall deposit the wireless enhanced 911 fee revenue for each county which does not have an enhanced 911 ordinance in effect into an escrow account which it has established for that county. Any county with an escrow account may, immediately upon adopting an enhanced 911 ordinance, receive the moneys which have accumulated in the escrow account for use as specified in subdivision (2) of this subsection:

Provided, That a county that adopts a 911 ordinance after the original effective date of this section in the year one thousand nine hundred ninety-seven or has adopted a 911 ordinance within five years of the original effective date of this section in the year one thousand nine hundred ninety-seven shall continue to receive one percent of the total 911 fee revenue for a period of five years following the adoption of the ordinance. Thereafter, each county shall receive that county's eight and one-half tenths of one percent of the remaining fee revenue, plus that county's additional pro rata portion of the fee revenues then remaining, based on that county's population as determined in the most recent decennial census as a percentage of the state total population:

Provided, however, That every five years from the year one thousand nine hundred ninety-seven, all fee revenue residing in escrow accounts shall be disbursed on the pro rata basis specified in subdivision (1) of this subsection, except that data for counties without enhanced 911 ordinances in effect shall be omitted from the calculation and all escrow accounts shall begin again with a zero balance.

(e) CMRS providers have the same rights and responsibilities as other telephone service suppliers in dealing with the failure by a subscriber of a CMRS provider to timely pay the wireless enhanced 911 fee.

(f) Notwithstanding the provisions of section one-a of this article, for the purposes of this section, the term "county" means one of the counties provided in section one, article one, chapter one of this code.

(g) From any funds distributed to a county pursuant to this section, a total of three percent shall be set aside in a special fund to be used exclusively for the purchase of equipment that will provide information regarding the x and y coordinates of persons who call an emergency telephone system through a commercial mobile radio service:

Provided, That upon purchase of the necessary equipment, the special fund shall be dissolved and any surplus shall be used for general operation of the emergency telephone system as may otherwise be provided by law.

(h) Notwithstanding anything to the contrary in this code, beginning the first day of July, two thousand eight, prepaid wireless calling service is no longer subject to the wireless enhanced 911 fee.



Public Service Commission of Wisconsin

Eric Callisto, Chairperson
Mark Meyer, Commissioner
Lauren Azar, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

March 19, 2010

James Arden Barnett, Jr.
Rear Admiral (Ret.)
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **PS Docket No. 09-14**

Initial Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008

Dear Admiral Barnett:

Governor Doyle has requested that I provide the following response to your request for information dated February 5, 2010. Wisconsin has adopted two dissimilar programs for funding wireline and wireless E911 service. For this reason, a statement regarding each program is included for each question.

- 1. A statement as to whether or not the State or other entity as defined by Section 6(f)(1) of the NET 911 Act has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).**

Wireline E911:

Wisconsin has adopted by statute a funding mechanism to reimburse local telecommunications exchange carriers for just the telecommunications network costs incurred to implement and operate an enhanced 911 system. The 911 statute permits local carriers to collect a surcharge through the monthly telephone bill to recover the 911-related network expenses. No portion of the wireline 911 surcharge is remitted to any local government or state agency. County and municipal governments that operate a wireline public safety answering point fund all equipment, training and salary expenses of that PSAP through the county or municipal budget.

The authorization for that surcharge is a contract between the county government and the participating telephone companies within the county. *See Wis. Stat. § 256.35(3).*

Wireless E911:

Wisconsin has adopted by statute a funding mechanism to reimburse wireless providers and county governments for expenses incurred during a specified reimbursement period (September 3, 2003 to November 30, 2008) to implement and operate an enhanced wireless 911 emergency service system. The statutory authority for the wireless 911 Fund may be found at Wis. Stat. § 256.35(3m). The wireless 911 Fund program was limited in scope and differs from the wireline scheme described above in several key respects:

- The 911 Fund collected a surcharge from wireless service subscribers with a Wisconsin billing address during the period December 1, 2005 to June 30, 2008.
 - The wireless providers remitted the surcharge collection to a state agency, the Public Service Commission.
 - The Public Service Commission reviewed and awarded grants to eligible applicants to reimburse the applicants for their reasonable wireless 911 costs. The wireless program reimburses certain categories of county and municipal 911 expense as well as the related telecommunications network expenses.
 - The wireless 911 Fund disbursed grant payments from June 2006 to March 2009. The total amount disbursed to grant applicants was \$62,019,350.72.
- 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009.**

Wireline E911:

The local exchange carriers providing 911 service in a given county in Wisconsin enter into a service agreement, pursuant to Wis. Stat. §§ 256.35(a)2 and 256.35(b). One schedule in the service agreement identifies the network cost to be recovered. The 911 surcharge is set to recover the costs listed in that schedule. The only difference between this 911 surcharge and any other local telephone rate element is that the participating carriers' cost of providing 911 service in a given county is pooled, and a common surcharge rate is billed to each wireline access line in the county regardless of the interconnecting local carrier. The amount of the surcharge varies from one county to the next, based upon the cost of the 911 network and the number of billable access lines in the county.

Wireless E911:

The wireless E911 surcharge was discontinued on July 1, 2008. No charges were collected from wireless subscribers during calendar year 2009, although the wireless 911 fund did earn some interest on the fund balance during 2009.

- 3. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds; including the legal citation to such criteria.**

Wireline E911:

No portion of the receipts from the wireline 911 surcharge is shared with the state or local governments. The surcharge for wireline E911 service is limited to the recovery of telecommunications network expenses, and is retained by the carriers participating in the 911 contract.

Wireless E911:

The funds collected were made available to wireless providers and county governments in the form of a grant award. Under Wis. Stat. §§ 256.35(3m)(b) and (c), sixty eight counties and eleven wireless providers applied for grants from the Fund. Overall, the Commission approved grant awards totaling \$87,514,022.84.

Generally, grant awards from the 911 Fund were limited to reimbursement for costs that an applicant had incurred, or planned to incur, during the reimbursement period to implement and operate a wireless E911 network. Specific criteria used to evaluate grant applications may be found at Wis. Stat. §§ 256.35(3m)(b)1., (c)1., and (d)3., and at Wis. Admin. Code §§ PSC 173.06 and 173.07.

- 4. A statement identifying an entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.**

Wireline E911:

The wireline 911 surcharge recovers the cost of providing the telecommunications network supporting the E911 service in a given county. The surcharge is authorized by a contract or service agreement that the county enters into with the participating local exchange carriers. This contract specifies in detail the network design for the county 911 service, sets the amount of the 911 surcharge, and also sets forth the obligations of the parties to operate, maintain and repair the 911 telecommunications network. Wis. Stat. § 256.35(3)(b)3. The requirement for a county-specific contract gives a county a measure of oversight over the design and operation of the 911 network in the county.

The 911 statute also requires that the local exchange carriers submit a 911 contract, or a subsequent amendment to a 911 contract, to the Public Service Commission for review. The Commission may disapprove the contract or contract amendment if it finds the contract is not compensatory, is excessive or is not in the public interest. Wis. Stat. § 256.35(3)(i).

Wireless E911:

The Public Service Commission was designated by statute to administer the Wireless E911 grant program. The Commission evaluated and approved grant awards to reimburse counties and wireless providers for their reasonable expenses to implement and operate a wireless E911 system. The Commission then disbursed grant funds to the grant applicants upon proof that the applicants had actually purchased the equipment and services identified in their respective grant awards. Generally, copies of invoices, check vouchers and purchase orders were accepted as documentation of a purchase. A statement of staff hours on county letterhead was accepted for services rendered by county staff.

Wisconsin also requires an annual audit of the financial records of county programs receiving state funds. The Wireless 911 Fund program was included in the list of state programs subject to this audit during the years in which disbursements to counties were made.

5. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Wireline E911:

All the funds collected through the wireline 911 surcharge have been used for the purpose of establishing and operating a telecommunications network dedicated to the E911 service. No portion of this surcharge has been made available to any local government or state agency. County and municipal governments operating a wireline public safety answering point have funded all equipment, training and salary expense of that PSAP through the county or municipal budget. *See Wis. Stat. §§ 256.35(3)(a)2. and 256.35(3)(b).*

Wireless E911:

All the funds collected for wireless E911 purposes have been used for the purposes specified in the 911 statute. However, the 911 Fund did collect money in excess of the actual requests for funds submitted by the 911 grant applicants. The reason for this surplus is that not all grant applicants filed documented requests for the full amount of their grant awards. There were several reasons for this:

- Some wireless providers overestimated their implementation costs.
- Two wireless providers generated some cost savings by shifting their contract for data services to a different third party provider.
- There were three mergers and/or acquisitions during the course of the wireless 911 program, and in two cases the acquiring companies decided not to pursue reimbursement of the former company's 911 expenses.
- During this program, Verizon Wireless decided not to pursue collection of its Phase II 911 expenses in any of the states it operated in.

- Many counties underestimated the amount of time needed to order and install the wireless E911 service, and therefore overestimated the amount of recurring telephone expense they would incur during the reimbursement period.
- Several counties scaled back purchases of equipment and services for which the Commission had agreed to pay a portion (25-50 percent) of the total cost from the 911 Fund. This would include orthophotography and electronic mapping projects.

In July 2008, the Commission recognized that the wireless 911 program would end with a substantial surplus in the Fund. The Commission extended to each grant applicant the opportunity to supplement its grant application to shift the approved grant funds to alternative uses. The proposed alternative uses had to have been incurred during the reimbursement period as well as meet the same eligibility criteria used to evaluate the original grant applications. In total, 54 of the 68 county grant applicants used this opportunity to identify eligible 911-related expenses.

Over the course of the program, the Commission actually disbursed 91.57 percent (\$31,873,646 of \$34,808,239) of the total grant award approved for county grant applicants as reimbursement for 911-related expenses. The Commission disbursed 57.2 percent (\$30,145,704 of \$52,705,783) of the total grant award approved for wireless service providers. In sum, the Commission disbursed 70.87 percent (\$62,019,350) of the total approved grant award for all applicants, which was 100 percent of the eligible 911-related expenses reported to the Commission in the applicants' requests for reimbursement.

On June 30, 2009, the wireless E911 Fund was closed, and the balance in the fund transferred to the state's general purpose revenue account for further distribution pursuant to the state's biennial budget, Wis. Act 28 (2009).

6. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Wireline E911:

No portion of the wireline 911 surcharge has been made available to any local government or state agency, either for 911-related purposes or for any other purpose.

Wireless E911:

As discussed above, the 911 Fund did collect approximately \$25,000,000 in excess of the actual requests for funds submitted by the 911 grant applicants. A small portion of that collection was applied to the salary expense the Commission incurred to administer the program. The funds collected in excess of the wireless E911 program obligations were transferred to the state's general purpose revenue account on June 30, 2009.

7. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Wireline E911:

The wireline E911 program has accomplished its principal objective: 70 of 72 counties in Wisconsin provide E911 access to its residents. The two remaining counties, Iron and Menominee Counties, elected to employ a basic 911 service because of the cost of the terminal equipment and associated salary and facilities expense.

Wireless E911:

The wireless E911 program has accomplished its principal objective as well: 69 of 72 counties in Wisconsin provide Phase II wireless E911 access to its residents. The three remaining counties (Iron, Menominee, and Taylor Counties) employ a basic wireless 911 service both because of the cost of the equipment and facilities and also because, in the view of the counties, there is too little wireless service coverage within those counties to justify the expense.

If you have any additional questions regarding this matter, please contact Dennis Klaila of the Public Service Commission staff at (608) 267-9780 or dennis.klaila@wisconsin.gov.

Sincerely,

Gary A. Evenson

Gary A. Evenson
Administrator
Telecommunications Division

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DAVE FREUDENTHAL
Governor

THE STATE OF WYOMING

Office of Homeland Security

Joe Moore
Director

Telephone (307) 777-Home (4663)
Fax (307) 635-6017
Herschler Bldg., First Floor East, 122 W. 25th St., Cheyenne, Wyoming 82002

March 15, 2010

James Arden Barnett, Jr.
Rear Admiral (Ret)
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Re: Initial Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008; Response Due No Later than March 23, 2010

Dear Admiral Barnett:

Your letter to the governor's office, regarding the above caption, was received at the governor's office, March 8, 2010, and referred to Director Moore for response on March 12, 2010.

Specific responses to questions are as follows:

1. A statement as to whether or not your state, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Answer: Wyoming Statutes allow local political subdivisions to create, by ordinance, funding mechanisms for the implementation and support of 911/E911 systems. Maximum surcharge is set by statute, but does not authorize state level oversight of local funding mechanisms. (Ref.16-9-105)

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Larry Majerus
Deputy Director

Angela VanHouten
Bioterrorism Program Manager
(307) 777-5778

Kelly Ruiz
Public Information Officer
(307) 777-4909

Answer: The maximum surcharge allowable is \$00.75 per month and is set by state statute (16-9-103 (b)). Surcharge levels are set by local ordinance and not to exceed the \$00.75 level. Funds are routinely collected by the service provider and distributed to 911 centers according to local ordinance.

3. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

Answer: Each local entity (political subdivision) establishing a 911 or E911 surcharge ordinance, has sole oversight responsibility for collection, distribution and oversight of funds collected to implement or support 911 or E911 services.

4. A statement whether all the funds collected for 911 or E911 purposes has been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Answer: Information necessary to answer this statement exists only at the local entity level where the 911 or E911 funding mechanisms are created. State Statutes only set maximum surcharge levels.

5. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Answer: This agency is not aware of any funds collected for 911 or E911 purposes subsequently made available or used for unrelated purposes.

6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Answer: None

Should you have questions subsequent to your review of the above interrogatories and answers, please contact Deputy Director Larry Majerus at 307-777-4900.

Respectfully Yours,



Joe Moore
Director

JM:db

CC: Governor's Office
Rob Hurless, Governor's Energy & Telecommunications Advisor
State of Wyoming Public Service Commission